



October 25, 2011

To: the Honorable Members of the Blue Ribbon Commission on America's Nuclear Future

I am a candidate to represent the Seventh Congressional District in Southeastern North Carolina. I live and work in the District. It is the home to two Progress Energy reactors in Brunswick County, with spent nuclear fuel stored on site, and home to the GE-Hitachi nuclear energy business. These nuclear facilities are major employers and good neighbors. I have supported their continued operation and expansion in NRC proceedings. In April, shortly after the Fukushima event, I sponsored a Town Hall meeting that gave the community a chance to hear experts in reactors, to receive presentations from local emergency management officials, and to learn about the Nuclear Waste Policy Act. The audience got to ask questions and express concerns about how spent nuclear fuel is being managed today.

I have reviewed the Blue Ribbon Commission's Draft Report. It makes some good points but misses some of the key concerns of the residents, working people, and utility ratepayers in southeastern North Carolina. Let me share those concerns with you.

1. The community wants the spent nuclear fuel removed from the reactor site

The Draft Report shows extreme sensitivity to the rights of the special interests represented by Senator Harry Reid. Without once mentioning his name, it chronicles his success in preventing the NWPA-mandated removal of spent nuclear fuel from Brunswick County, North Carolina, where it is not wanted, to an NRC licensed facility in Nye County, Nevada, where it is wanted. The Draft Report shows too little sensitivity to the rights and interests of citizens in communities like ours where spent nuclear fuel is being stored today. At the time the reactors were licensed, the government promised the spent fuel would be removed to a geologic repository. That promise has not been kept. The Draft Report is too concerned with evaluating advanced waste management technologies and new siting procedures. It should be more concerned with the immediate future and assuring implementation of the existing Nuclear Waste Policy Act mandate that requires removal of the spent fuel from our community.

2. The community believes the Obama Administration has defied the law

We trusted the government to fulfill the requirements of the Nuclear Waste Policy Act. It has failed us. The DOE motion to withdraw the Yucca license application it had filed with the NRC was a lawless act. Dismantling the DOE Office of Civilian Radioactive Waste Management while the Yucca license application is still pending at the NRC was an act of bureaucratic vandalism. Gregory Jaczko, a former Senator Reid staffer appointed to be NRC Chairman by President Obama, misled his fellow Commissioners and senior NRC staff to prevent NRC action on the Yucca license application. He also prevented release of the NRC staff Safety Report on Yucca. His malfeasance is fully described in the June 2011 Report of NRC Inspector General Bell. The Administration claims its abandonment of Yucca is justified because the site is not "workable" or "socially and politically acceptable". This is code meaning "not acceptable to Senator Reid". Everyone knows this. The Administration should consider the social and political acceptability of continued spent fuel storage at reactor sites like Brunswick. The Draft

Report might have performed a great public service and called out the Administration on this its maladministration. Instead, it meekly says, "The Commission takes no position on the Administration's request to withdraw the [Yucca] license application." We hope the BRC Final Report will show more candor.

3. The community is bearing an unfair share of the cost of spent fuel management

Communities like ours where spent fuel is stored bear the intangible but real emotional cost of living with spent fuel. This may not seem like much, but it is exactly the same fear that makes waste storage in Nevada "socially and politically unacceptable" to a few powerful figures in that state. The difference is every day we live much closer to the fuel storage site than Nevadans ever will. And above-ground reactor site storage is not as safe as underground geologic storage. Added to that is the financial cost of the one mil per kWh waste fee we pay into the Nuclear Waste Fund as utility ratepayers. About \$1 billion of the \$35 billion fee revenue collected for Fund has come from North Carolina ratepayers. The only lawful use of the Fund is to pay for the Yucca project. With the termination of the Yucca project, we will get no benefit from our money. Finally, as taxpayers, we are bearing the cost of DOE's failure to meet its contractual obligation to remove the spent fuel. According to the Draft Report, damage awards paid to reactor owners so far are \$2.2 billion, and estimated total damages will be \$16.2 billion if spent fuel removal starts in 2010. It will increase by \$500 million for each year after 2020 that Yucca is not open. We are bearing the safety risk, the cost of Yucca, and the cost of DOE's failure to remove spent nuclear fuel. That is not fair. We want our money back.

4. The community is concerned that continued mismanagement of spent fuel will curb nuclear development

The nuclear industry is a major employer in the 7th District. Uncertainty about Yucca will make companies reluctant to invest in nuclear facilities. They may fear that the public will oppose construction and operating licenses unless there is a known pathway for the spent fuel. Potential new reactor investors also fear that, without Yucca, they will be stuck with the liability for spent fuel disposal that the waste fee is supposed to cover. The Administration's failure to act on the Yucca application has created unmanageable risk and uncertainty that can restrict nuclear development in the US, and jobs in the North Carolina 7th District.

Conclusion

When the BRC was established, we were assured that it would identify "better alternatives" to Yucca. The Administration has never claimed that the Yucca site was not suitable or that the design is not safe. The Draft Report offers no better alternatives. And without an NRC decision on the Yucca license, we have no way the measure whether any alternative is "better". I challenge the Blue Ribbon Commission to tell the truth to the White House and DOE. It was wrong for the Administration to stop the Yucca licensing process. It should be restarted.

Respectfully submitted,

Ilario Pantano, Candidate
North Carolina Seventh Congressional District